



**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
MCDOWELL MOUNTAIN PRESERVATION COMMISSION**

August 19, 2008

A public meeting of the McDowell Mountain Preservation Commission was convened and called to order by Chair Wayne Tall at 5:30 PM, Tuesday, August 19, 2008 in the Council Chambers at Town Hall, located at 16705 East Avenue of the Fountains, Fountain Hills, Arizona.

Call to Order – Roll Call: Present at roll call were the following members of the McDowell Mountain Preservation Commission: Chair Wayne Tall, Commissioners Bill Myers, Bob Sanders, and Elena Torre. Commissioner Steve Fleming was absent. Staff members present were Director Mark Mayer, and Susan Gill, Recording Secretary.

AGENDA ITEM #1: CALL TO THE PUBLIC:

No public response.

AGENDA ITEM #2: APPROVAL OF THE MINUTES FROM THE JULY 15, 2008 REGULAR MEETING – ACTION ITEM

Commissioner Myers made a motion to approve the Minutes, Commissioner Torre seconded, the motion was made and carried 4:0 to approve the July 15, 2008 minutes as submitted.

AGENDA ITEM #3: NOMINATION AND ELECTION OF A VICE-CHAIR - ACTION ITEM

Director Mayer informed the Commissioners that Curt Cornum, a former Parks and Recreation Commissioner has submitted an application to serve on the MMPC, and suggested that perhaps he could come on as a new Commissioner in January. With regard to the election of a new Vice-Chair, Director Mayer mentioned that the By-Laws of the MMPC state that new officers are elected in January so this would be an interim Vice-Chair until January 2009. Although absent from this meeting Commissioner Fleming indicated via an e-mail that he was interested in being considered for the vacant Vice-Chair position. Commissioner Torre indicated that she would be interested in being considered and suggested that Commissioner Sanders would be an excellent candidate as well. Commissioner Sanders mentioned that he was on the MMPC to serve both the Commission and the Town and that although he was not actively seeking the position, if he was offered the position by ballot he would serve it well. Commissioner Torre expressed that the candidate should be someone who represents the Preserve, trying to get access to the Preserve for the maximum amount of people, doing the least amount of harm to any person, housing division, citizen of the Town, and with no personal agenda. After some discussion it was decided to:

- Table the nomination and election of a Vice-Chair to the September 16, 2008 meeting when Commissioner Fleming would be present.
- Use a secret ballot to vote

Commissioner Torre made a motion to table the election until the September 16, 2008 meeting, Chair Tall seconded; the motion was made and carried 4:0 to table the election of a Vice-Chair until the September meeting.

AGENDA ITEM #4: UPDATE ON HIKING LICENSE AGREEMENT WITH MCO

Director Mayer informed the Commission of an e-mail he received from Shelley Johnson (Corporate Relations) on behalf of Jeremy Hall. Mr. Hall originally said to go ahead and prepare the extension of the Hiking Agreement. Subsequently, Mr. Hall requested that MCO draft the new Hiking Agreement instead of the Town. The prior Hiking Agreement was for one year with an amendment for an additional extension of three years. That agreement expires October 31, 2008. The Town generated the original Hiking Agreement document and the first amendment to the agreement. Director Mayer agreed to follow-up with MCO and request a completion date of October 1 which would give the Commission time for discussion and allow the Town Council to review it prior to the October 31 expiration date. Additionally, in response to our request for sales information of the Eagles Nest

development, MCO said that the number of custom lots at Eagles Nest is 244 and that 122 lots have been sold to date.

AGENDA ITEM #5: UPDATE ON OWNERSHIP OF LAND (WEST OF TOWN LIMITS)

Commissioner Myers gave a brief overview of the information he acquired regarding the land, including two mountains on the western border of Fountain Hills:

- Approximately four square miles of the land, including the two mountains are owned by the State of Arizona.
- The land is State Trust Land and at some point will be sold.
- The mountains are within Scottsdale's City limits and they may have a future interest in purchasing the land.
- Important to provide the Town Council with options to preserve the land so it is not sold and developed.

Some discussion followed on possible direction to Town Council which included the following:

- Approach the State and request that the Conservation easement be given to both the City of Scottsdale and the Town of Fountain Hills so that nothing is built on the two mountains unless approved by both Councils.
- Form a sub-committee to research grants such as *Growing Green Arizona*.
- Provide information at McDowell Mountain Month in October.

Additional discussion followed on whether it would be beneficial to have a joint meeting with the Scottsdale Sonoran Conservancy to see if they would be interested in working with the MMPC on preservation of the land. Commissioner Myers offered the opinion that although the Sonoran Conservancy and MMPC share a common goal in preserving the mountains, if the Town of Fountain Hills was interested in potentially purchasing the land that Scottsdale might not be receptive to that idea.

Commissioner Myers inquired if the MMPC could have an Executive Session. Director Mayer replied that as long as there were no more than three members from the Commission it would be alright. More than three Commission members would require that the meeting be posted, have an agenda, and minutes taken.

AGENDA ITEM #6: UPDATE FROM MCO REGARDING CHEMICAL TOILETS

Director Mayer informed the Commission that Jeremy Hall with MCO had responded via an e-mail to a request for placement of portable toilets for future hikes and said the portable toilets are okay as long as they are placed at the entrance gate and not further up in the Preserve. Commissioner Torre asked Director Mayer if he would ask MCO if thirty children could have access to the Preserve for an educational hike. Chair Tall mentioned that MCO wishes to minimize traffic through their property to the Preserve and that MCO would like to have the Jeep Trail overgrown before they develop their property so that no one would use it. After some discussion Chair Tall requested that he would like to contact MCO to discuss future hikes, placement of portable toilets, and what restrictions there might be by MCO. Chair Tall also requested that Commissioner Torre put together a schedule of future hike plans and provide additional information on less expensive chemical toilets.

AGENDA ITEM #7: UPDATE/DISCUSSION OF PRESERVE SIGNAGE

Commissioner Sanders provided a handout of potential Preserve signage and gave an overview of the following:

- Intent is to have signage compliment the main trailhead.
- Brown and green is standard A.D.O.T. and NPS colors; brown field with cream colored lettering.
- Establish a system on each trail that is informational and low maintenance.
- Post "reassurance" signs for people who may be lost or feel lost.
- Signage could potentially be ready by October 2008.

Commissioner Sanders agreed to provide a map of the area that would show where the signs will be placed.

AGENDA ITEM #8: DISCUSSION OF SONORAN CONSERVANCY'S HIKE REQUESTS

At the July 15, 2008 MMPC meeting there were questions as to why the Town's insurance provider was reluctant to allow the Sonoran Conservancy to post guides along the path to the Preserve and not accompany the hikers along the route. Director Mayer explained to the Commissioners that the Town's insurance providers main concern is exposure to the Town as hikers pass through MCO's property. The request to post guides along the route and supervise them rather than accompanying them as in the past puts the Town at risk to lose its coverage under the Recreational User Statute. Under this Statute the Town is granted immunity should someone be injured while freely participating in a recreational activity sanctioned by the Town. If increased supervision is provided the ability to be covered under this Statute could be compromised.

AGENDA ITEM #9: BASIC PROCEDURES, OPEN MEETING LAW, AND CONFLICTS OF INTEREST MEETING

Director Mayer reminded the Commissioners that Town Attorney, Andrew McGuire would be covering basic procedures, the Open Meeting Law, and conflicts of interest that pertain to the Town's various Boards and Commissions on September 17th at 6:00 PM in Council Chambers. All Commissioners are being asked and encouraged to attend.

AGENDA ITEM #10: ADJOURNMENT OF MEETING

A motion to adjourn was made by Commissioner Torre and Commissioner Myers seconded, the motion carried 4:0 to adjourn the meeting at 6:40 PM.

Next meeting scheduled for September 16.

McDowell Mountain Preservation Commission

By: _____
Wayne Tall, Chair

Reviewed by: _____
Mark C. Mayer, Director of Parks and Recreation

Prepared by: _____
Susan Gill, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the McDowell Mountain Preservation Commission Regular Meeting held on August 19, 2008. I further certify that the meeting was duly called and that a quorum was present.

By: _____
Wayne Tall, Chair